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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission on Human Rights resolution 1994/73 and Economic and Social Council decision 1994/263

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Introduction

1. At its fiftieth session, the Commission on Human Rights decided in resolution 1994/73 of 9 March 1994 to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, particularly on the situation of minority groups, such as the Baha'is, and to report to the Commission at its fifty-first session. In decision 1994/263 of 22 July 1994, the Economic and Social Council endorsed that resolution.

2. Pursuant to these provisions, the Special Representative submitted his interim report to the General Assembly at its forty-ninth session (A/49/514 and Add.1-2). The report relates to the human rights situation in the Islamic Republic of Iran during the period from January to July 1994 and, owing to the short interval between the two reports, was written as the first part of this final report. The two documents should accordingly be regarded as one.

3. In compliance with paragraph 14 of Commission on Human Rights resolution 1994/73 and Economic and Social Council decision 1994/263, the Special Representative submits herewith his final report on the human rights situation in the Islamic Republic of Iran. The report relates to human rights in the Islamic Republic of Iran in the year 1994, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

I. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

4. On 1 November 1994, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the following letter to the Special Representative:

> "... Information received from various sources on violation of human rights of Iranians in certain areas in Iraqi territory has now become public. An article from the Wall Street Journal of 4 October 1994, as annexed, is an example of such public information.
>
> "Noting that the Special Representative has addressed, on a number of occasions, matters related to the human rights of Iranian individuals residing outside Iranian territory and his affirmation that groups should also respect human rights, it is requested that the Special Representative examine these violations of human rights of Iranians and include his observations, conclusions and appropriate suggestions in this regard in his reports."

II. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

5. The following paragraphs contain a summary of some of the allegations of human rights violations received by the Special Representative in the period

August to December 1994. The information received in the period January to July 1994 is set out in the interim report submitted to the General Assembly (A/49/514, paras. 13-80, and Add.1-2).

A. Right to life

6. Although the Iranian press has ceased to publish most of the cases of executions, at least 63 executions were reported during 1994. In the period August to December 1994 there were 24 executions, including 8 persons who were stoned to death and 14 who were strangled by hanging. At least 12 executions took place in public. During this period, nine persons were executed for rape, procuring or adultery. Information was received on the following specific cases in which the death penalty was applied.

7. The Iranian newspaper Hamshahri reported in its 1 August 1994 issue that Emdad Mahrami and Mikhail Rostami-Zadeh were hanged in public in the main square of Jolfa, a town in the northern part of the country, after receiving 110 lashes. They were found guilty of rape.

8. The Iranian newspaper Jomhuri Islami reported on 11 August 1994 that Mohsen Sozanian was hanged in public in the Arak stadium, after being sentenced to death for murder.

9. Bahram Ababs-Zadeh was hanged in public on 13 August 1994 in Khayam Square, in Zahedan. The newspaper Salam reported on 14 August 1994 that he was sentenced to death by the Islamic revolutionary court in Zahedan on a charge of trying to plant a bomb in a Sunni mosque. Ababs-Zadeh was arrested on 23 June 1994 and reportedly confessed to trying to plant the explosive device in an effort to create dissension between Shiite and Sunni Muslims.

10. The newspaper Abrar reported in its 2 October 1994 issue that a person accused of killing a five-year-old girl was executed in Varamin prison. According to the information published, the oral proceedings leading to this person's conviction lasted less than a week.

11. In its issue of 20 October 1994, Kayhan reported that Hossein Kamali, aged 25, from Amol, was sentenced to death for killing his wife.

12. On 7 November 1994, Kayhan reported that Majid Kheirabadi was executed in Mashhad after being found guilty by an Islamic revolutionary court of armed robbery and assault.

13. The Iranian newspaper Abrar reported on 16 November 1994 that the following persons were stoned to death in public on the road from Jouibar, near Sari, capital of the province of Mazandaran, in the northern part of the country: Ghahreman, aged 30, Akbar, aged 44, and Mrs. Moharram, aged 32. The first two were found guilty by an Islamic revolutionary court of abducting and raping a girl of 20 and of drinking alcohol. Mrs. Moharram was sentenced for illicit sexual relations. Before they were stoned to death, the two men were buried up to the waist and the woman up to the shoulders.

14. The newspaper Hamshahri reported in its 4 December 1994 issue that two women named Horei and Iran and a man called Mohammad Rezaie, alias

Mammad Heiran, were stoned to death in public on 3 December 1994 in the old cemetery in Hamdan. They were sentenced for having formed a network of corruption.

15. Kayhan reported in its 6 December 1994 issue that 10 Iranians were hanged in Bandar Abbas, capital of the province of Hormozgan, after being sentenced to death by an Islamic revolutionary court, which found them guilty of armed robbery and assault.

16. Hamshahri reported in its 8 December 1994 issue that a man and a woman were stoned to death in December 1994 in Ramhormoz, in the south-eastern part of the country for murder and adultery. The couple were accused of killing the woman's husband in order to carry on an affair. They were stoned to death in public.

17. In its 1 August 1994 issue, Kayhan reported that Abdul Hossein Reeici, aged 50, was killed after being arrested by agents from Tehran Municipality No. 3, in Vanak. The agents tried to get away, but were forced by the neighbours to take the victim to a hospital. The head of the public relations office of the Municipality of Tehran, Mr. Jamali, said that the official physician, Dr. Hashemi Nasab, had certified that the victim had died of a heart attack. Dr. Nasab denied issuing any certificate whatsoever and announced that the cause of death would be disclosed in two months' time.

18. Jomhuri Islami reported in its 24 August 1994 issue that Ali Reza Merkand, from Khandaq-Lou, was killed on 15 August 1994 by shots fired by members of the security forces opposite the offices of the Department of Education in Zanjan. Merkand was leaving the Shafieh Hospital, to which his mother had just been admitted. A week after the incident no official information had been provided about it nor had the victim's body been handed over to his family.

19. The mutilated body of Mr. Haji Mohammad Ziaie, aged 55, leader of the Sunni Muslim community in Bandar Abbas, was found on 20 July 1994 in Shah-Mossallam. It was reported that he had been summoned to appear on 15 July 1994 before the authorities of the security forces in Laar, in the province of Fars. In 1981 he was arrested, tortured and sentenced to death. After being released, it is said that he continued to be the victim of hostile acts and threats. The body had been decapitated and an arm and a leg had been cut off. Nothing is known of the details of the inquiry into this death or of the findings.

20. In his interim report to the General Assembly (A/49/514, para. 59), the Special Representative mentioned that Mr. Ali Akbar Saidi-Sirjani, a well-known poet, essayist and satirical writer, had been arrested on 14 March 1994 after distributing bound photocopies of his books in response to an editorial in Kayhan Havai which accused him of having written against Islam in his books. It was also reported that he was being held incommunicado. In its reply, the Government of the Islamic Republic of Iran stated the following: "The person in question is arrested and now in detention on charges of espionage, acts against the moral health of society, including drug possession and use. This individual is at present in good physical and psychological condition" (A/49/514/Add.2, p. 11). On 27 November 1994, IRNA,

the official Iranian news agency, reported that he had died of a heart attack. His family, however, said that Saidi-Sirjani had had no history of heart problems. It is said that no inquiry has been conducted into the death of this writer. It was reported that his body was buried in Tehran and the necessary autopsy had not been carried out.

21. On 1 November 1994, the Islamic Consultative Assembly, the Majlis, enacted a law whereby members of the security forces and the Bassiji (voluntary militia) are allowed to fire on demonstrators. Use of firearms was authorized "to restore law and order during illegal armed rallies, at times of unrest and during illegal armed disorders and revolts". It is also permissible to shoot at vehicles suspected of carrying fugitives, stolen goods, contraband or narcotics. Members of the security forces and the Bassiji who kill or wound someone are exempt from any civil or criminal court action for doing so. The Government undertakes to compensate the families of any innocent person who dies from shots fired by the forces of law and order.

22. On 15 October 1994, the Minister of Justice, Mr. Ismail Shoushtari, announced the restoration of the death penalty for businessmen guilty of speculation or illegal hoarding of goods or excessive price rises.

23. An Agence France Presse dispatch dated 11 September 1994 reported that the President of the Republic, Ali Akbar Hashemi Rafsanjani, had said that the fatwa pronounced against the British writer Salman Rushdie was irrevocable and consequently there was no possibility of a pardon. He added that it was not in the interest of western countries to protect a person who had insulted a thousand million Muslims.

24. With regard to recent assassinations of Iranian citizens, chiefly exiles or refugees abroad, the Special Representative was told that Rafour Hamzai, a member of the Central Committee and representative of the Democratic Party of Iranian Kurdistan (DPIK) in Baghdad was assassinated in that city on 4 August 1994 on his doorstep.

25. The Special Representative was also informed that the Iranian citizen Assadi Mohammad Ali was stabbed to death at his home in Bucharest, Romania, on 12 November 1994. The Romanian police reportedly arrested three Iranian suspects. Assadi Mohammad Ali had applied for political asylum in Turkey in 1986, but his application was rejected. A few days before he was assassinated, he went to the UNHCR office in Bucharest and expressed fears about his safety in Romania. He was to return to the office to back up his statements, when the crime occurred. The Romanian newspaper Evenimentul Zilei reported that the victim had accompanied a nephew of the last Shah who was on a visit to Romania.

26. As to the assassination of Mr. Kazem Radjevi in Coppet, Switzerland, on 24 April 1990, it was reported that the French Council of State had said that the expulsion to Tehran of the two persons suspected of the assassination, whose extradition had been requested by the Swiss authorities, was unlawful and null and void. It will be remembered that Mosen Sharif Esfahani, an Iranian citizen aged 37, and Ahmad Taheri, an Iranian citizen aged 32, were arrested in France in November 1992. On 10 February 1993 the Court of Appeals in Paris handed down an opinion in favour of their

extradition to Switzerland. The decree ordering the extradition was signed on 31 August 1993 by the French Prime Minister and Minister of Justice. However, on 29 November 1993, Esfahani and Taheri were put on a plane to Tehran. This step was justified on the grounds of national interest. The Council of State took the view the two Iranians should have been extradited to Switzerland under the 1957 European Convention on Extradition and the 1977 European Convention on the Suppression of Terrorism, both of them binding on France and Switzerland, and that the French authorities should have specified the overriding reasons that impelled them not to comply with the extradition that had been ordered.

27. In connection with the killing of the former Prime Minister under the monarchy, Shahpour Bakhtiar, and his personal secretary, Katibeh Fallouch, the Special Representative was informed that on 6 December 1994 the Paris Special Criminal Court sentenced an Iranian citizen, Ali Vakili Rad, aged 35, to life imprisonment, without any possibility of conditional release for a period of 18 years. It also sentenced an Iranian citizen, Massoud Hendi, aged 47, a former chief of Iranian Radio and Television, to 10 years' imprisonment, without any possibility of conditional release for a period equivalent to two thirds of the sentence, for helping the killers to enter the country. However, it ordered the immediate release of a third accused person, the Iranian citizen Zeynal Abedin Sarhadi, aged 28, an employee of the Iranian Ministry of Foreign Affairs. Sarhadi, who had been charged with helping the killers to escape to Switzerland, was none the less immediately expelled from France by order of the French Minister of the Interior. In its ruling, the Paris Special Criminal Court took the view that the killers belonged to a criminal organization firmly established in Tehran, Istanbul, Geneva and Paris.

28. The other two persons presumed to have killed Bakhtiar, Farydoun Boyerahmadi and Mohammad Azadi, as well as the consultant at the Iranian Ministry of Telecommunications, Hossein Sheikhattar, and three other persons, were not present at the trial and will be tried later in absentia. It should be noted that the Government Procurator, Jacques Mouton, and the two lawyers in the civil proceedings, stated in court that agents of the Iranian Government were to be found in the organization which allowed the two killings to take place.

29. As to the assassination of three leaders of the Democratic Party of Iranian Kurdistan (DPIK) and their translator, in Berlin, Germany, in September 1992, the Special Representative was informed that Mr. Klaus Gruenewald, director of the Federal Constitutional Protection Office, said on 14 October 1994 that the presumed organizer of the crime, an Iranian citizen, Kasem Darabi, had been in contact with the Iranian secret service since early 1990 and had supplied it with information about members of the Iranian opposition in exile. This statement was made to the Berlin court trying the case. He added that the Iranian Minister of Information, Ali Falahian, "had an interest in getting rid of the four Kurdish opposition leaders". The Iranian secret service has been expressly mentioned in the charges brought by the German Federal Department of Public Prosecutions.

B. Enforced or involuntary disappearances

30. The Special Representative was informed of the recent disappearance in Isfahan of an Australian citizen, David Andrew Lindner, a 28-year-old architect who went to the Islamic Republic of Iran to study Persian architecture. An official of the Isfahan Police Department told one of Lindner's friends who was inquiring into his whereabouts that Lindner had been arrested and executed. The Iranian authorities have denied that Lindner has been executed and have promised to ascertain his whereabouts and investigate the statement by the police officer. However, Lindner's whereabouts are still unknown.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

31. In addition to the cases mentioned in his interim report to the General Assembly, the Special Representative was informed that two persons had had four fingers of the right hand amputated in public in Dezfoul, in the south-eastern part of the country. The Iranian newspaper Kayhan reported in its 7 November 1994 issue that the fingers had been amputated because the two persons had committed robbery and were recidivists.

D. Administration of justice

32. As to the administration of justice, it is appropriate to refer the reader to the Special Representative's interim report to the General Assembly (A/49/514, paras. 44-56) and the replies provided by the Government of the Islamic Republic of Iran (A/49/514/Add.2, pp. 8-10).

33. With reference to the situation in Iranian prisons, the Chief of the Prisons Department, Asadollah Lajevardi, reported on 10 December 1994 that the total prison population was 100,481 inmates; more than half of them were accused or convicted of offences connected with drug trafficking or drug use, and a significant percentage of the rest for murder, assault, robbery, fraud and sexual offences. According to Mr. Lajevardi's statements, published in the 12 December 1994 issue of the newspaper Kayhan International, there are also a number of prisoners charged with belonging to armed opposition groups.

34. In a note published in the 17 November 1994 issue of the newspaper Salam, one reader reported that he had spent 12 days in prison in Bandar Abbas from 20 September 1994 onwards. While he was in prison he was able to see that the various wings, built for 150 prisoners, actually held 700 to 1,000 persons each. Some prisoners had to sleep in the lavatories. He also said that many prisoners suffered from various skin diseases, tuberculosis and rheumatism and did not receive appropriate medical treatment. Furthermore, no standards of hygiene were observed in preparing the prisoners' food.

35. As to the list of 78 prisoners given in the Special Representative's interim report to the General Assembly (A/49/514, para. 79), the Government of the Islamic Republic of Iran has provided information on two of them, Mohammad Bagher Bourzooi and Manouchehr Karimzadeh, who were pardoned and have been released (A/49/514/Add.2, p. 14).

36. Of particular concern has been the situation regarding Mr. Abbas Amir Entezam, former Deputy Prime Minister of the first Provisional Government of the Islamic Republic of Iran, who was visited by the Special Representative at Evin prison in December 1991. Mr. Entezam is said to have suffered various reprisals and to have been punished for speaking with the Special Representative, including refusal of medical treatment for an ear infection he had at that time. In August 1992, he was injected with substances which gave him nausea and a general feeling of faintness for weeks. At the present time, despite various illnesses and malnutrition, he is not allowed to receive food or medicine sent in from outside the prison or to buy it. Recently, he has been allowed to receive a visit every two weeks, although the visits take place in the presence of an official of the Prosecutor's Office and are frequently and arbitrarily interrupted and brought to an end by prison guards. Mr. Entezam is reportedly asking to be tried with all the guarantees set out in the Constitution of the Islamic Republic of Iran, the country's laws and the international instruments to which the Islamic Republic of Iran is party, in the presence of a jury, in public, and with the assistance of legal counsel. Lastly, it has been reported that Mr. Entezam rejected a proposal by some officials to grant him his freedom in exchange for silence about what he has experienced and seen in prison since 1979.

37. It has been reported that the number of arrests and detentions continues to be very high. On 21 September 1994, Reuters reported that General Reza Seifollahi, Chief of Police, said that the number of persons arrested by his forces on suspicion of drug trafficking and smuggling during the period 21 March to 21 September 1994 was 10,000. On 12 August 1994, nine women were arrested in a private home in the Karim-Khan-e-Zand district in the north of Tehran for playing cards. The Iranian newspaper Ressalat reported in its 21 August 1994 issue that 11 adolescents were arrested in Lahidjan, in the northern part of the country, on charges of belonging to a network of prostitutes.

38. Kayhan reported in its 20 September 1994 issue that 264 people aged 13 to 28 were arrested in various districts in western Tehran in a crime prevention campaign. The persons included about 30 young people wanted by the police for evading military service or for robbery, as well as 8 drug addicts. According to the newspaper, most of the young people were from the western provinces and had gone to Tehran to look for work.

E. Excessive use of force

39. The Special Representative received allegations concerning excessive use of force by the security forces in putting down protest marches and public demonstrations. On 4 August 1994, the riot squad in Qazvin shot at demonstrators who were protesting at Parliament's rejection of a bill that would have created the province of Qazvin. The shots killed at least 4 people and wounded 50 in the Vali-Asr district and in the town centre.

F. Freedom of expression and opinion and the situation of the press

40. It was reported that, on 25 October 1994, 134 Iranian writers, academics, translators, artists and journalists had sent an open letter to the

authorities calling for respect for freedom of expression and opinion and an end to censorship. The intellectuals protested "against the frustrating obstacles and humiliating attitudes that have to be faced by those who do not respect the Government's dictates and against censorship and inadmissible prohibitions". The persons who signed the letter, who were said to include most of the well-known writers and poets living in the country, condemned "the anti-democratic practices of the authorities" and protested particularly "at the sentencing of writers in the name of morality and ideology". They said that "to criticize a writer's work is normal, but to scrutinize his private life in order to discredit his work is an attack against his person". Lastly, they announced the establishment of an association of writers and artists "to oppose, collectively and at the professional level, the obstacles to reading, to free circulation of thought and to the freedoms of expression and publication" and to safeguard their individual independence.

41. The Special Representative was informed that a retired General, Azizollah Amir-Rahimi, aged 73, had been arrested on 3 November 1994 after sending an open letter to the President of the Republic urging the implementation of democratic reforms. His son, Mehrdad Amir-Rahimi, a 28-year-old university student, was also arrested on 8 November 1994 after sending a cable protesting to the authorities about his father's arrest. IRNA, the Iranian News Agency, reported on 7 November 1994 that General Amir-Rahimi had been transferred to a hospital after confessing that he was addicted to opium; it also said the tests confirmed that he was an addict. In his open letter, General Amir-Rahimi said: "No writer can describe the things that Iranian political prisoners have to face, the flagrant abuses perpetrated by the revolutionary courts against the dignity and honour of citizens or the sufferings of the Iranian people as a result of systematic oppression". The former Chief of the Military Police is said to be under psychiatric treatment and sedation at a military hospital.

42. In its 7 November 1994 issue, Kayhan reported that the Governor of Tehran had banned the manufacture and sale of clothing, footwear and accessories with unsuitable patterns or letters from the Latin alphabet on them. The decision is reported to be based on the need to preserve the country's culture and national and religious traditions and to guarantee proper respect for the national literature and language.

43. On 20 September 1994, the Majlis enacted a law which prohibits the importation, manufacture, marketing and use of dish antennas for satellite television. The law assigns the Ministry of the Interior and the Bassiji the task of dismantling and taking away antennas as soon as possible and stipulates fines and confiscation of goods for persons importing, manufacturing and distributing such devices. In the event of a repeated offence, the penalty is three to six years' imprisonment.

44. In its 15 September 1994 issue, the newspaper Abrar reported that the Ministry of Culture and Islamic Guidance had cancelled permission to publish 47 magazines and publications.

45. The Special Representative has also received information that strict censorship is still applied in connection with importing, circulating and translating foreign books.

G. Freedom of religion and the situation of the Baha'i community

46. In addition to the allegations enumerated in the interim report to the General Assembly (A/49/514, paras. 61-71, A/49/514/Add.1 and A/49/514/Add.2, pp. 11-12), the Special Representative received the following information.

47. The New York Times reported in its 1 August 1994 issue that the Deputy Minister for Foreign Affairs, Mr. Jarad Zarif, had said that some evangelical Christian churches were in actual fact organizations of a political character: "We consider them to be political organizations. If someone wants to start a political organization they must go through the process to obtain permission, as is the case for Muslims", he said.

48. In connection with the killing of Pastor Tatavous Michaelian, various inconsistencies have been noted in the police and court investigation. For example, Mrs. Farahnaz Anami, accused of the killing, allegedly said that the Pastor died from two bullet wounds, whereas the owner of the house in which the crime was committed said he had heard only one shot, and the office of the examining magistrate said that three bullets were found in the body. The testimony of the owner is said to have caused some controversy.

49. Farahnaz Anami reportedly confessed to killing Pastor Michaelian; identifying a place to bury the body of Pastor Dibaj in the Sorkheh Hesar woods in east Tehran; planning the killings of Archbishop Iraj Mottahedeh and Dimitri Belous; and planting explosives in the mausoleums of Hazrat Ma'soumeh and Imam Khomeini. Mrs. Batoul Vaferi Kaleteh and Mrs. Maryam Shahbazpoor are said to have confessed to being accomplices in these crimes and to have been arrested while they were trying to plant bombs at these mausoleums. No details are known about the inquiries into the killings of Pastor Dibaj and Pastor Hovsepian Mehr.

50. The situation of the Baha'is remains the same as that described in the Special Representative's interim report to the General Assembly (A/49/514, paras. 66-71). The situation of two Baha'is sentenced to death because of their religion on 8 December 1993, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, is still precarious, for no reply has yet been received to the appeal against the conviction lodged with the Supreme Court of Justice. These persons have been in prison since April 1989.

51. Five other Baha'is are still in prison because of their religion. Particular concern was expressed about the situation of Mr. Husayn Ishraqi, aged 72, who has been in prison since 1 April 1992 and has been sentenced to a term of 10 years. Another Baha'i, imprisoned since 17 October 1985, Mr. Bakhshu'llah Mithaqui, has been told verbally that he has received a further sentence of 10 years in addition to the term he is serving in Gohardasht prison. It was also reported that, while Mr. Ramidan'ali Dhulfaquari has been released, the charge of apostasy against him has not been withdrawn. This person had been sentenced to death in December 1993.

52. Further acts of discrimination and economic pressure against the Baha'is have been reported, particularly in Mashhad, a city where the private sector is said to be under pressure from the authorities to dismiss Baha'i employees.

The Baha'is in Mashhad are reportedly facing major hurdles in carrying on their professional and commercial activities. Throughout the country, many Baha'is dismissed from the public sector on account of their religious beliefs are still unemployed and receive no financial assistance, grant or pension. It has even been reported that some Baha'is dismissed from the public sector were required to return the salaries and pensions they had received when they were working. Baha'i farmers are still denied access to farm cooperatives, which often provide the only opportunity to obtain credits, seed, fertilizers and pesticides.

53. It has been alleged that marriage, divorce and the right to inherit among the Baha'is continue to be unrecognized in law. Major difficulties, mentioned in information received previously, remain in obtaining passports and exit visas. It is asserted that young Baha'is continue to be denied access to higher education and, for the Baha'i community as a whole, the right to meet freely, to elect their representatives and to maintain their administrative institutions. The cemeteries, holy places, historical sites and administrative centres of the Baha'i community remain confiscated or have been destroyed. It is said that the Baha'is must bury their dead on waste land specified by the Government and that they are not entitled to identify the graves of their loved ones.

H. Situation of women

54. In addition to the allegations that appear in the interim report to the General Assembly (A/49/514, paras. 72-77), the Special Representative has received the following information.

55. An Agence France Presse dispatch of 18 September 1994 reported that the Minister of the Interior, Ali Mohammad Besharati, had announced a step-up in the campaign against women who did not wear the veil properly and who showed other signs of social corruption, such as riding behind men on motorcycles, or begging in chadors.

56. The Iranian Association Football Federation banned women from attending stadiums to see football matches, according to the newspaper Jomhuri Islami in its 21 July 1994 issue. The authorities considered that the presence of women in football stadiums was not compatible with Islamic standards of conduct.

57. Reports are still being received about the strict separation of men and women in public transport, with women being placed at the back in buses and minibuses. It was reported that a taxi service has been set up exclusively for women, and a hospital built exclusively for women patients, and a Women's School of Psychology in Rud-e-Hen, north of Tehran, in October 1994, where the teachers have to wear the chador, as an example to their students.

I. Freedom of association

58. On 7 November 1994, Reuters reported that the Ministry of Culture and Islamic Guidance had prohibited pen-pal clubs, which were, according to an official release by the Ministry, regarded as a tool used by Western culture to undermine Islamic and family values, chiefly among young people. On the same day, Kayhan reported that a man had been arrested in north Tehran on a

charge of running one of these clubs and recruiting members by announcing that he spoke foreign languages. The newspaper also stated that 30 people had confessed to being members of the club and had corresponded with persons abroad by means of the club.

J. Political rights

59. The Minister of the Interior, Mr. Ali Mohammad Besharati, stated that in the past 12 years no organization had asked to be registered as a political party. However, his Ministry had registered 300 associations of a non-political character, and he mentioned associations for occupational groups, students and religious minorities. In a dispatch dated 19 July 1994, Reuters reported that a representative of the Freedom Movement of Iran, Mr. Ibrahim Yazdi, contradicted this statement, maintaining that his organization had requested formal registration in 1983 and had still not received any reply to its application. He added that he knew of other organizations which had also applied to be registered as political parties, and they had not received a reply either.

60. Mr. Dariush Forouhar, a former minister in the first Provisional Government of the Islamic Republic of Iran and leader of the Party of the Iranian Nation, was arrested on 12 August 1994 by agents of the Ministry of Information at Behesht e' Zahra cemetery, while he was attending the funeral of another opposition political leader, Mr. Shamseddin Amir-Alaei. A few days later he was released.

K. Events of 6 and 9 November 1994

61. It was reported that on 6 November 1994 a military base of the People's Mojahedin of Iran organization in Ashraf, Iraq, 70 km from the Iranian-Iraqi border, had been attacked by Scud-B ground-to-ground missiles launched from Iranian territory, without causing any victims. According to the Iranian Government, the attack was a response to attempted infiltration by two commandos of the organization in south-west Iran.

62. Three days later, Iranian Air Force planes attacked a base of the Democratic Party of Iranian Kurdistan (DPIK) east of Erbil, in the north of Iraq, killing and wounding an unknown number of persons. IRNA, the Iranian News Agency, reported on 9 November 1994 that the Iranian Air Force had attacked as a reprisal for various attempts at infiltration and sabotage in the Iranian border regions.

L. Situation of refugees

63. The Islamic Republic of Iran is, according to information the Special Representative has received, the country with the largest number of refugees on its territory. From 1991 to the end of 1994, the number fell by 2,250,000, because the figure for 1991 stood at 4,300,000. The number is now estimated at 2,050,000. The refugees are mainly Afghans. Under an agreement between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Governments of the Islamic Republic of Iran and Afghanistan, five return stations have been set up on the Afghan-Iranian border. At the stations, each Afghan refugee returning to his country receives US$ 25 and 50 kilograms of

wheat from UNHCR. The International Organization for Migration (IOM) arranges the transport of refugees returning with funds provided by UNHCR. IOM has transported more than 80,000 refugees.

64. Most of the Afghan refugees, estimated to number 1,800,000, live in temporary villages built near Iranian towns, and only a minority are in refugee camps. Many work in construction, in the public or private sectors. UNHCR provides health services, additional food, drinking water, education, vocational guidance and shelter. The World Food Programme continues to provide food aid to 260,000 Afghan refugees. The Iranian Government is also helping refugees who return to Afghanistan at four camps and health centres in Afghan territory. Recently, the repatriation process has slowed down, owing to the civil war that afflicts Afghanistan.

65. Iraqi refugees also account for a significant proportion. They are Shiite Muslims from the south and Kurds from the north of Iraq. At the present time, the number of Iraqi refugees is around 100,000, a figure which has not been properly established because some return to their country while new groups of not less than 5,000 persons each arrive in the Islamic Republic of Iran from time to time. About 50,000 live in refugee camps and the remainder in rural settlements. In the early months of 1994, about 7,000 Iraqis arrived from the southern marsh area. Repatriation of the Iraqi Kurds has recently been hampered by the fighting in the north of Iraq.

66. The Government of the Islamic Republic of Iran has built 10 temporary settlements in the territory of Azerbaijan to assist Azerbaijanis who are displaced persons in their own country and have been affected by the war for control over Nagorny Karabakh. Moreover, it has offered logistical support to send humanitarian assistance to Azerbaijan through Iranian territory and has built camps in the western province of Hamedan for Azerbaijani refugees. The number is estimated at 50,000.

III. CONSIDERATIONS

A. Auspicious events for human rights at the international level

67. There were at least three developments in 1994 which augur well for a better coordination of activities and a better use of the human and material resources available to the United Nations for promoting the effective exercise of human rights and fundamental freedoms throughout the world. These were the establishment of the post of High Commissioner for Human Rights, the first general meeting of rapporteurs, special representatives and experts working specifically on the protection and promotion of human rights, and the creation of a non-governmental organization (NGO) with the specific task of cooperating with the Commission on Human Rights - with a watchful eye, of course.

68. In its resolution 48/141 of 20 December 1993, the General Assembly created the office of High Commissioner for Human Rights, and H.E. José Ayala Lasso of Ecuador, a diplomat of broad experience in international affairs, was designated to serve in that capacity. This positive step in the process of development and consolidation of the United Nations human rights system heartens those who are committed to that goal in the service of the international community. The Special

Representative reiterates the positive view he expressed to Radio Netherlands during the Vienna World Conference on Human Rights regarding the development and consolidation of the international system of human rights and welcomes the appointment of Mr. Ayala Lasso with particular satisfaction.

69. In accordance with paragraph 95 of the second part of the Vienna Declaration and Programme of Action (A/CONF.157/24), a meeting of rapporteurs, representatives, experts and chairmen of working groups on special procedures and the advisory services programme of the Commission on Human Rights was held at the United Nations Office at Geneva from 30 May to 1 June 1994. The purpose of the meeting, and also its justification, was the conviction, shared by all the experts charged with implementing the extra-conventional mechanisms established by the Commission on Human Rights, that their mandates were basically similar without prejudice to their specificity, and that therefore, the harmonization and coordination of their respective activities would enhance the efficiency of each individually and of their activities as a whole.

70. By consensus, the meeting participants recommended: avoiding the duplication of effort by exchanging information and carrying out joint missions; convening periodic meetings of all those responsible for the implementation of extra-conventional mechanisms; preparing a manual or a collection of general outlines for the use of new rapporteurs and experts; suggesting to the Commission on Human Rights that consultative meetings be convened in which the rapporteurs, special representatives and experts could answer questions from Commission members and observers, thereby contributing to the preparation of resolutions; supporting the postponement by two or three months of the Commission's annual meeting period; and emphasizing the importance of field missions, field monitors and permanent observers in the most sensitive spots in relation to the observance of international human rights standards.

71. The objective of United Nations Watch, the new NGO, is to evaluate United Nations human rights activities in terms of the norms established by the United Nations Charter. Among other items, it will examine the shortfall of human and material resources allocated to activities which are increasing in number year after year and even day after day, and which are generally known as special procedures. The activities of NGOs are a pillar of the United Nations human rights system, and their contribution is an asset in terms of its quality and timeliness.

B. The 1994 mandate

72. In renewing the mandate of the Special Representative for another year on the basis of its resolution 1994/73 of 9 March 1994, the Commission on Human Rights requested that its Special Representative present an interim report to the General Assembly during its forty-ninth session, to be followed by a definitive report to the Commission itself at its fifty-first session. In compliance with his mandate, the Special Representative, with the assistance of the Centre for Human Rights, has compiled and classified the new information he received. It comprises accusations and allegations relating to the same categories as those described in earlier reports. The data are of various types: in some cases the veracity of the allegations could not be

substantiated, while in others the information, given its source, can be regarded as serious and reliable and can therefore be evaluated. As in previous years, one of the most reliable sources has been the reports printed in the Iranian press. On the basis of the new information, and taking into account previous information, the Special Representative is formulating his own views concerning the prevailing situation and, as is his duty, is submitting them to the General Assembly and eventually to the Commission on Human Rights.

C. Sources of information

73. It has to be stressed once again that the Special Representative does not base his reports on just one source. He cannot rely on any one single source, however trustworthy it may be. An official Iranian statement to the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 15 August 1994 treated this as grounds for contesting the credibility of the Special Representative's reports. The Special Representative receives information from various sources, both inside and outside Iran. Where individuals are concerned, their names are kept confidential at their request, as is usual under United Nations procedures. When different sources agree on particular points, that obviously strengthens belief in the truth or probability of the allegations in question.

74. The Special Representative pays great attention to the Iranian press, which, under the existing system of control, publishes reports that implicitly have the authorities' approval. Thus, as far as executions are concerned, the Iranian press continues to be the main source of information, although, as stated in a previous report, official instructions have been given to restrict reporting of such matters, with the express intention of depriving the Special Representative of an important source of information which can hardly be disputed (see document A/48/526, para. 92).

D. Cooperation of the Government of the Islamic Republic of Iran

75. Over the past two years, Iranian cooperation with the mandate of the Special Representative has diminished, although it is still at a level allowing a working relationship to be maintained in order to deal with its most important and urgent aspects. The Iranian Government has replied to the allegations contained in the Special Representative's interim report to the General Assembly (A/49/514/Add.1 and 2). Because of the short interval between the interim and final reports, it has not been sent the new allegations received, which are to be found in section II of this report. Contacts with authorized Iranian representatives indicate that there are two sticking points that have led the Government to conclude that it has not obtained the concessions it expected in return for its full cooperation, the most important element of which concerns visits to Iran. One of these points is the repeated criticism they find in the reports of the Special Representative; the other is the absence in recent years of negotiated, consensus-supported resolutions on the part of the competent bodies of the United Nations. On the positive side, it should be emphasized that consideration is once again being given to the possibility of organizing an activity proposed several years ago by the Special Representative: the systematic study of Islamic law in relation to international human rights

instruments. The preliminary organizational questions have already been discussed, and consideration is being given to working out a programme and selecting basic texts.

76. The Iranian Government has recently, in official statements, recognized the universality of human rights. In his statement of 15 August 1994 to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the representative of the Iranian Government declared: "[Human rights] are thus universal, independent of conditions, transcend all boundaries, be they temporal or geographical, and do not lend themselves to distinctions of race, sex or other superficial attributes and barriers. Nor do they sacrifice the value of the individual for the well-being of the community, or the health of human society for the licence of the individual, and these rights emanate from the totality of the human person. They cannot be the domain of a few powerful States and cultures, with dubious records of human rights observance in the past or even in the present."

E. Work of the Organization for the Defence of Victims of Violence

77. This organization, whose headquarters are in Tehran, promotes knowledge of human rights and distributes information on the means of seeking redress. Among other aims, it seeks to eliminate violence by means of education and the establishment of a human rights culture. Recently the Special Representative received a copy of the organization's bulletin for the year 1994, in which it states that it has distributed throughout the country a basic form for the submission of complaints about violations of human rights, in Farsi and English, explaining the type of information that should be provided when asking a national or international agency to intervene. On page 2 of the bulletin, the organization recognizes the work of the United Nations in promoting the observance of human rights in the world, in the following terms: "From the organization's point of view, activity in the framework of the United Nations Organization is of great importance. Having a correct understanding of this gigantic body and its position in monitoring and taking measures in [the] human rights field at national and international level can be very effective in promoting the world situation."

F. Right to life

78. Although reporting of executions by the press in the Islamic Republic of Iran has been severely restricted, information has been obtained regarding 63 executions carried out in 1994. This figure is similar to the one for 1993. There ought to be a real reduction in the number of executions. Until such time as the press resumes the practice of publishing information on all executions, it will be impossible to make a proper evaluation of the data collected. A number of significant cases which were mentioned in the Special Representative's interim report to the General Assembly are described below.

79. The Special Representative was informed that on 31 January 1994 a woman had been stoned to death at Evin prison in Tehran. In March, another woman, accused of adultery and of collaborating with a prostitution network, was stoned to death in Qom. The latest case of stoning published in the press was in January 1990. In its reply, the Government of the Islamic Republic of Iran stated that these women had in fact been executed, but denied that they had

been stoned or that the executions had taken place in public (A/49/514/Add.2, p. 4), thus contradicting the version published by the newspapers Kayhan and Ressalat. Information was also received that a 15-year-old girl had been sentenced to death in January in Qazvin. On 16 May 1994, according to a report by Agence France Presse, a 17-year-old youth was publicly hanged in Mashhad, having been convicted of sexually assaulting an under-age girl. In its reply on these cases, the Government of the Islamic Republic of Iran stated that both these persons had in fact been executed, but denied that they had been under age (A/49/514/Add.2, p. 5). It is worth mentioning none the less that under the International Covenant on Civil and Political Rights (art. 6.5) sentence of death may not be imposed on persons below 18 years of age.

80. It has recently been reported that during the period between August and December 1994 there were eight executions by stoning. The information comes from the Iranian newspapers Abrar (issue of 16 November 1994) and Hamshahri (issues of 4 and 8 December 1994). During the same period, at least 12 executions were carried out in public.

81. Particular concern has been aroused by the announcement of the extension of the death penalty to the crimes of speculation, illegal hoarding of goods and introduction of unjustified price rises, which was made by Mr. Ismail Shoushtari, the Minister of Justice, on 15 October 1994, and by the new act of 1 November 1994 authorizing the security forces to use their firearms in suppressing protest demonstrations and dealing with disturbances of law and order.

82. Many people throughout the world reacted with shock to the murders of three Protestant clergymen in 1994. Further details on these cases can be found in sections II and III A of the interim report submitted to the General Assembly (A/49/514) and in paragraphs 48 and 49 of this report. The Government should be asked to conduct a thorough investigation of these murders and to prosecute the perpetrators; the latter should of course benefit from the due process of law guaranteed in the relevant international instruments. The victims were the Reverend Tatavous Michaelian, Interim President of the Council of Protestant Ministers of Iran; the Reverend Mehdi Dibaj, pastor of the Church of the Assemblies of God; and the Reverend Haik Hovsepian Mehr, President of the Council of Evangelical Ministers of Iran and Superintendent of the Church of the Assemblies of God. The latter had refused to sign a document declaring that the Churches enjoyed all the rights guaranteed by the country's Constitution, and that the allegations contained in the reports of the Special Representative on the subject were false. The leaders of the evangelical congregations are known to have been summoned to a meeting with important government representatives, at which they were threatened and even warned that the Christmas of 1993 might be their last.

83. The Government of the Islamic Republic of Iran should be asked to conduct a thorough investigation into the deaths of the leader of the Sunni Muslim community, Mr. Haji Mohammad Ziaie, and the writer, poet and essayist Mr. Ali Akbar Saidi-Sirjani.

84. In a number of countries, trials are in progress to prosecute the murders of Iranians in exile. According to statements by judicial and

administrative authorities in the countries where these incidents occurred, Iranian secret agents were found to have been involved. In the case of Professor Kazem Radjavi, the judicial proceedings, begun on 24 April 1990, are being kept open by the Swiss judge, Mr. Roland Châtelain. The judge is in possession of 13 names, which may or may not be authentic, of persons suspected of having participated directly or indirectly in Radjavi's murder. Judge Châtelain has sent the Islamic Republic of Iran, via Berne, a letter of request followed by several reminders, but he has received no reply. Despite international arrest warrants against them, the 13 persons are still at liberty, and the judge was unable to obtain the extradition of 2 accused persons who were in detention in France. Given the lack of progress in the legal proceedings, his statement to the press of February 1992 still applies today. At that time, he declared that he could not commit the 13 accused for trial to be judged in their absence. The reasons that he gave at the time are still valid: "In order to do so, it would be necessary to know who did what and have proof of their true identities. I have names, but are they true or false? The case will remain open. Times can change." (Le Courrier, 23 February 1992). It has recently been reported that the French Council of State has declared the expulsion from Tehran of the two persons whose extradition had been requested by the Swiss authorities to be null and void and contrary to the European Conventions on Extradition of 1957 and on the Suppression of Terrorism of 1977.

85. In connection with the assassination of Mr. Shahpour Bakhtiar and his secretary, Mr. Katibeh Fallouch, it is reported that the Paris Special Criminal Court passed various sentences on the Iranian citizens Ali Vakili Rad and Massoud Hendi on 6 December 1994 and ordered the immediate release of Mr. Zeynal Abedine Sarhadi. Six other persons, who were absent during the trial, will be tried later (see above, paras. 27 and 28).

86. With respect to the assassination of three Kurdish leaders and their translator, which occurred in September 1992 in Berlin, Mr. Bernd Schmidbauer, Minister of State in the German Federal Chancellery, told the court investigating the case on 17 March 1994 that the Government of the Islamic Republic of Iran had tried to prevent the prosecution of those accused of the assassination. On 14 October 1994, Mr. Klaus Gruenewald, Director of the Federal Office for the Protection of the Constitution, told the court that Kasem Darabi, the presumed organizer of the crime, had been in contact with the Iranian secret services since early 1990, supplying them with information on members of the Iranian opposition in exile. The trial of four Lebanese and an Iranian is proceeding. Iranian secret agents have been charged by the German State prosecutor handling the case.

87. It is apparent from the foregoing that the judicial inquiry into the murder of Mr. Radjavi has been blocked by the failure of the Islamic Republic of Iran to cooperate. Two Iranian citizens have been convicted by the Paris Special Criminal Court, and an international arrest warrant has been issued against six other persons. The case of the Kurdish leaders is proceeding normally. Mr. Taha Kermani, an Iranian Kurd who had been granted refugee status by the Office of the United Nations High Commissioner for Refugees (UNHCR), was also assassinated at Corum, Turkey, on 4 January 1994. He had reportedly received death threats from Iranian agents. No further information has been obtained regarding this case. Nor have any more details been

forthcoming on the assassinations of Mr. Rafour Hamzai, member of the Central Committee of the Democratic Party of Iranian Kurdistan (POKI), on 4 August 1994 in Baghdad, and Mr. Assadi Mohammed Ali, on 12 November 1994 in Bucharest. In the latter case, three Iranian citizens are said to have been arrested by the Romanian police.

88. It has been reported that on 22 February 1994, as a protest against unjust treatment, Professor Homa Darabi, paediatrician and paediatric psychoanalyst, burned herself to death screaming "Long live freedom". This occurred at Chemira Ne Square in the northern sector of Tehran. Dr. Homa Darabi had been dismissed from an academic position in an institution affiliated with the University of Tehran, reportedly for failing to adhere strictly to the dress code. The Government of the Islamic Republic of Islam stated that "According to the information received from the husband of the late Dr. Homa Darabi, she had had symptoms of a psychological disorder for some time. Gradual increase in these symptoms resulted in her unfortunate suicide" (A/49/514/Add.2, p. 13).

G. Attack in Mashhad

89. On 20 June 1994, a very serious attack was perpetrated in Mashhad when a bomb packed with 5 kilograms of explosives was set off in the prayer halls of the tomb of Imam Reza, one of the holiest sanctuaries and pilgrimage sites, leaving 26 people dead and 170 wounded. The attack occurred when thousands of pilgrims from all parts of the country had gathered to commemorate the martyrdom of Imam Hussein. The authorities affirm that they arrested at least two suspects. One of them, Mehdi Nahvi, confronted the security forces in Tehran pars, Eastern Tehran, and was seriously wounded. He died in hospital on 2 August 1994 from the wounds he received when he was captured. This utterly senseless attack was unanimously condemned both inside and outside the country. Information has been received about other attacks with explosives both in Tehran and in other towns in the interior.

H. Torture and cruel treatment of persons arrested or sentenced for offences

90. The statements made by Mr. Helmut Szimkus, a German citizen, about the five and a half years he spent in Evin prison have recently come to our notice. The European press published and commented on the statements he made upon his release. This engineer was arrested at Tehran Airport on 13 January 1989 for spying for Iraq. He claims that he was tortured without a stop from the moment he was arrested. He says that he was blindfolded and that he was repeatedly slapped in the face by his interrogator. He was subjected to such abuse on a daily basis for four weeks. He was transferred to section 209 of Evin, reportedly run by the secret service. There, he saw bloodstains on the floor. He was tied to a wooden pole and was beaten repeatedly on the soles of the feet with a copper cable. "They pounded me like crazy." He ended up signing a confession. He says that he heard men and women being tortured screaming for hours on end. In reply to these allegations, the Government of the Islamic Republic of Iran stated the following: "In an interview with Frankfurter Allgemeine, dated 3 August 1994, the person in question has unequivocally confessed to collaboration with American and Iraqi agents in the Islamic Republic of Iran. This confession

not only clarifies his previous actions, but is also a valid criterion to assess the validity of his other statements. His numerous contradictory press fabrications, self-explanatory as they are, could be caused by financial motives or thirst for fame" (A/49/514/Add.2, p. 7).

91. The body of Mr. Feizollah Mekhoubad, an Iranian of the Jewish faith, executed on 26 February 1994, bore signs of severe torture, including a disfigured face, bruises probably caused by blows, broken teeth and contusions on various parts of the body. In its reply, the Government of the Islamic Republic of Iran stated that this person had been sentenced to death for espionage and sabotage and that his corpse had been buried in a Jewish cemetery according to the Jewish faith; it denied the allegations of torture (A/49/514/Add.2, p. 4).

92. Other cases have been reported in the Iranian press. For example, Jomhuri Islami reported on 14 March 1994 that in the central prison of Qom, four fingers on the right hands of Mohammad Hossein Honar Bakhshi and Karim Gol-Mohammadi were chopped off in plain view of the other prisoners. On 26 January 1994 Kayhan reported that two people had been flogged in public in the south of the country. Three youths accused of indecent exposure were publicly flogged in Saveh, south-west of Tehran, no further details being given. According to a France Presse dispatch from Tehran, the Iranian press published this information. Two of the youths were given 60 lashes and the third, 30. Recently, in its issue of 7 November 1994, the newspaper Kayhan reported that two persons had had four fingers of their right hands amputated in the south-west of the country. The sentence was carried out in public.

I. Administration of justice and right to freedom of expression

93. Bearing in mind the already familiar problems, it should be noted that there has been no known reform of Iranian criminal law designed to bring it into line with international standards, nor do efficient measures appear to have been taken to guarantee due process of law. Issues such as public trials, the right to competent counsel, the right of the accused to call witnesses and trial procedures have been extensively dealt with in previous reports and in the Special Representative's interim report to the General Assembly; however, we are not aware of any new steps or at least of any change in attitude regarding these issues. Therefore, it can be stated that no change has been observed in the circumstances under review.

94. On 10 December 1994, Mr. Asadollah Lajevardi, Chief of the Prisons Department, stated that there were 100,481 inmates in Iranian prisons. He said that over half those prisoners were drug traffickers and drug addicts. He recognized that there were some persons in prison on charges of belonging to armed opposition groups. Other sources estimate that there are 4,000 women and 3,776 persons of Afghan nationality in prison.

95. The Special Representative has requested specific information from the Government of the Islamic Republic of Iran on the charges against 78 persons who are known to be detained in various Iranian prisons and the circumstances of their detention and prosecution. One of these persons, Mohammadi Malakeh, is considered by non-governmental organizations to be a prisoner of conscience. It is notable that Mrs. Malakeh was sentenced to 20 years in

prison without having had the benefit of a qualified defence counsel during the trial. In its reply, the Government of the Islamic Republic of Iran provided information on two prisoners, Mohammad Bagher Bourzooi and Manouchehr Karimzadeh, stating that they had been pardoned and released (A/49/514/Add.2, p. 14).

96. Of particular concern has been the situation regarding Mr. Abbas Amir Entezam, who was visited by the Special Representative at Evin prison in December 1991. Despite various illnesses and malnutrition, he is reportedly not allowed to receive food or medicine sent in from outside the prison or to buy it. He has been allowed to receive a visit every two weeks, although the visits are said to be frequently and arbitrarily interrupted and brought to an end by prison guards. It is also reported that Mr. Entezam recently rejected a proposal by some officials that he should be given his freedom in return for keeping silent about what he had seen and suffered in prison since 1979.

97. Mr. Said Niazi-Kermani, a poet and journalist, was arrested on 14 March 1994. The poet, essayist and satirist Ali Akbar Saidi-Sirjani was arrested that same day for distributing bound photocopies of his books, following an editorial in the Kayhan Havai in which he was accused of having written against Islam in his books. Kayan, one of the largest dailies in the country, speculated that the arrest of Mr. Saidi-Sirjani might have been drug-related. Kayhan subsequently published a letter allegedly written by Mr. Saidi-Sirjani, in which he confessed to being guilty of 40 years of corrupt behaviour, including relations with undesirable persons, manufacture of alcoholic beverages, frequent use of narcotic drugs, and accepting money from the Lillian Hellman and Dashiell Hammett Foundation of New York. Persons who knew the writer asserted that the allegation that he had written the letter, which was published on 2 June 1994, was not credible, or that, if he had written it, he had done so under enormous pressure. Some of his colleagues have maintained that the handwriting which the newspaper reproduced does not match that of the author and that the style of the letter is also different. Moreover, the administrators of the Hellman-Hammett Prize have indicated that Mr. Saidi-Sirjani refused to accept the money that went with the prize which he was awarded. In the meantime, there have been demonstrations in the streets near the prison calling for the writer to be sentenced to death.

98. According to information provided by the American Centre of PEN, Mr. Ali Akbar Saidi-Sirjani and Mr. Said Niazi-Kermani received no legal assistance for their defence against the charges. The Centre has collected evidence showing that the attorney, Mr. Hamide Mossadeq, was not allowed to meet with his client, Mr. Saidi-Sirjani. The two prisoners were denied access to defence counsel as well as visits from family members and were held incommunicado from the time of their arrest on 14 March 1994. It is claimed that the arrest warrants did not mention their names and that they were not informed of the charges against them. Publication of the letter alleged to have been written by Mr. Saidi-Sirjani could, moreover, have violated the principles of the presumption of innocence and the impartiality of any future trial.

99. On 27 November 1994, the official Iranian newsagency IRNA reported that the writer Ali Akbar Saidi-Sirjani had died of a heart attack. According to his family, however, he had no history of heart problems. His body is said to have been buried without the necessary autopsy. The Government of the Islamic Republic of Iran should be requested to carry out an exhaustive investigation into the circumstances of this person's detention and death.

100. The Special Representative has received a sketchy report about the arrest of Mr. Nasser Anwari and his wife, whose movements have been restricted to the city of Yazd following accusations that they attempted to provide information to the Special Representative during one of his visits to the Islamic Republic of Iran. In this connection, it is useful to recall Commission on Human Rights resolution 1994/70 of 9 March 1994 in which the Commission urges Governments to refrain from all acts of intimidation or reprisal against, inter alia, those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them.

101. The criminal investigation system and the regime of punishment for offenders will again be put to the test with the cases of the assassinations of the Protestant ministers. It is to be hoped, and should be requested, that the guilty parties will be tried with full respect for the guarantees of due process of law and that appropriate penalties will be imposed.

J. Freedom of religion

102. The Bible Society of Iran and the Garden of Evangelism society remain closed. The closure of the Christian church at Gorgan has also been reported. The Christian churches at Mashhad, Sari, Ahwaz, Kerman and Kermanshah have been closed. The church at Orumiyeh is open but only one religious service is permitted each week. Christian religious services are permitted in the Armenian and Syrian languages but not in Farsi. Christian church leaders have signed written promises not to permit Muslim believers to attend their religious services. An inter-faith Christian association, "Portes Ouvertes", reported that Hassan Shahjamali, an Iranian Christian living in the United States, disappeared mysteriously in Iran while on his way to Tehran airport from Shiraz on 1 July 1994. The Special Representative was later informed that Mr. Shahjamali has been detained at Shiraz and subsequently released on 20 July 1994. Another Protestant minister, Nathaniel Beni Paul, remains in detention at Ahwaz. Reports have also been received of alleged acts of aggression, persecution and threats against other Protestant ministers and Christian converts at Kermanshah.

103. In its reply to the allegations referred to in the previous paragraph, the Government of the Islamic Republic of Iran emphasized that all religious minorities enjoyed full legal rights in the country. It stated that churches were established and operated in accordance with the law of the land and denied that the persons in question had been arrested. It added that religious minorities had their own private schools, at which they were free to practise and teach their religions. Those schools were supported financially by the Ministry of Education (see document A/49/514/Add.2, pp. 11 and 12).

K. Situation of the Baha'is

104 Section III.F. of the interim report (A/49/514) deals with imprisoned persons of the Baha'i faith. It also reports that on 8 December 1993, two Baha'is, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, were sentenced to death by an Islamic revolutionary court at Tehran after being held in detention since April 1989 without any formal charges being brought against them. On 8 December 1993, Mr. Ramidan'ali Dhulfaqari was sentenced to death for apostasy and later released. The charges of apostasy have not been withdrawn, however, and his situation is therefore unclear. Mr. Bakhshu'llah Mithaqi, who has been in prison since 1985, has been verbally notified that a revolutionary court has extended his prison sentence by a further period of 10 years.

105. Property of Baha'is resident at Ilkhchi and Saryan has been confiscated. Pressure on the Baha'i community has been particularly severe in the city of Mashhad. Cemeteries, historic sites, administrative centres and property confiscated in 1979 have not been returned to the community.

L. Situation of women

106. The basic principles to be applied to the evaluation of standards and practices with regard to the situation of women by the competent organs of the international community are to be found principally in the Universal Declaration of Human Rights (and in particular, arts. 1, 2, 6, 7 and 16) and in the International Covenant on Civil and Political Rights (art. 3), which reads: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." The Vienna Declaration and Programme of Action (A/CONF.157/23) adopted during the World Conference on Human Rights reaffirmed that the rights of women are an indivisible, integral and inalienable part of human rights and declared that the full participation of women in the civil, political, economic, social and cultural life of their countries and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

107. Section III.G. of the interim report (A/49/514) and paragraphs 54 to 57 of this report deal with the situation of women; according to reports from various sources, matters did not change over the course of 1994. The 1993 reports, which treat the subject at length, are also still relevant (A/48/526 and Add.1, E/CN.4/1994/50). On 5 May 1994, a student of medicine at Beheshti University in Tehran, who had been an activist in recent student demonstrations, was found dead, with marks of strangulation and a broken arm. The forensic examination concluded that she had committed suicide. Her fellow women students did not believe this version of the facts, and some 1,000 of them occupied a university building to protest at what they considered a murder and to demand protection. The students also called for an official investigation of the case. In its reply, the Government of the Islamic Republic of Iran stated that the student had committed suicide as a result of family problems and that the allegation that she had been assassinated was baseless (see document A/49/514/Add.2, p. 13).

M. Political rights

108. The Minister of the Interior stated that over the past 12 years his Ministry had registered 300 associations of a non-political nature and that no organization had applied for registration as a political party. This information was contradicted by a representative of the Freedom Movement of Iran, who said that his organization had been applying for registration since 1983 and knew of other organizations which had also requested formal registration as political parties but had so far received no reply.

N. Situation of refugees

109. The information given in paragraphs 63 to 66 of this report, which supplement previous information, confirms the Special Representative's view that the Government of the Islamic Republic of Iran is complying with its international commitments with regard to refugees and that even with the economic burden imposed on it by the enormous influx of people it is continuing to give refuge to nationals of neighbouring countries.

IV. CONCLUSIONS AND RECOMMENDATIONS

110. Not all the facts mentioned in section II of this report can be taken as substantiated. However, the facts that can be regarded as proven constitute a sufficient basis for a number of conclusions and recommendations that might serve as a guide for the action to be taken by the Commission on Human Rights. This section details the issues that, in the opinion of the Special Representative, merit attention; some of them might be incorporated in the resolution to be adopted on this item.

(a) The Islamic Republic of Iran should immediately resume cooperation with the International Committee of the Red Cross (ICRC), allowing it to make periodic visits to prisons and prisoners in accordance with the agreement concluded in 1991 and still in force.

(b) It should be borne in mind that under article 6.5, of the International Covenant on Civil and Political Rights, of which Iran is a full signatory, minors under 18 years of age are exempt from the death penalty, regardless of the seriousness of the crimes they have committed.

(c) The murders of Protestant Christian ministers and the deaths of Mr. Haji Mohammad Ziaie, Mr. Ali Akbar Saidi-Sirjani, Mr. Abdul Hossein Reeici and Mr. Ali Reza Merkand should be the subject of a thorough, careful and impartial investigation.

(d) The investigation and prosecution of the persons found to be responsible for the attacks carried out in 1994 will test the effectiveness of due process guarantees, since they aroused strong feelings, and understandably so. None the less, the temptation must be avoided to let feeling dominate reason and to allow the desire to punish to replace the need for an objective examination of the evidence during the criminal proceedings.

(e) Forms of punishment which entail torture, such as amputation and flogging, and are incompatible with applicable international human rights

instruments, continue to be inflicted; there has also been evidence of an increase in public executions and executions by stoning.

(f) The information collected on the treatment of prisoners is sufficient to support the conclusion that torture is used to extract confessions, at least in politically sensitive cases. It has been some time since the evidence received has been as direct and convincing as that provided by the testimony of the German prisoner recently released and the condition of the body of the Iranian citizen of the Jewish faith who was recently executed.

(g) There is an urgent need to ensure that the guarantees of due process of law are effectively applied, particularly in proceedings held before the Islamic revolutionary courts. To accomplish that, the laws will need to be revised with particular attention to implementation measures. It goes without saying that even the best laws are ineffective when they are not applied conscientiously.

(h) There must be an end to the harassment and discrimination to which members of the Baha'i community are subjected because of their religious convictions, mainly in matters of marriage, divorce, succession, issue of passports and exit visas, rights of ownership and free possession of their places of worship, cemeteries, historic sites and administrative centres. Careful consideration should also be given to the legal situation of Baha'is who are in prison, particularly those who have been sentenced to death or accused of apostasy.

(i) There must also be an end to acts of surveillance, hostility and discrimination against Protestants, particularly converts from Islam; permission should be given for the re-opening of churches, chapels, libraries, bookshops and other Christian premises that have been closed down and for the construction of new premises; and the right to hold services in Farsi without being kept under surveillance by agents of the security forces should be guaranteed.

(j) The situation of writers and of persons imprisoned for sending open letters to the authorities calling for the observance of human rights is a matter of special concern; the view expressed by the United Nations body responsible for promoting human rights could surely have a positive effect.

(k) Uncontrolled mob attacks on the press have been described in earlier reports. Now similar attacks are being directed at peaceful political gatherings. An urgent appeal must therefore be made to the authorities to intervene in timely fashion with due moderation in order to protect the victims of such attacks and ensure that freedom of opinion and expression and the rights of assembly and association actually prevail.

(l) The situation of women is a sensitive issue, given the historical and cultural background, but the organizations with a mandate to monitor compliance with applicable international human rights instruments cannot, as a matter of duty, ignore the existence of laws and practices that discriminate between the sexes and cannot neglect to point out the need to adapt internal legal systems to the international legal framework.

(m) It is to be hoped, and indeed urged, that the evidence in cases with high political impact, such as the murders of the Protestant ministers and the attacks using explosives, will be examined according to logical and reasonable rules of evaluation and procedure that will support credible conclusions, in other words, by applying what is known in legal language as sana critica. When political crimes are involved, it should be borne in mind that the perpetrators will try to protect themselves by dragging in red herrings and that incriminating others is usually part of the preparation and planning of a political crime. It is best, therefore, to be suspicious of very obvious clues, as in the case of the woman attempting to flee the country through the Zahedan area carrying evidence relating to the murder of the Reverend Tatavous Michaelian.

(n) In the above-mentioned politically sensitive cases involving police investigation and criminal prosecution, the findings would be stronger and more credible if the Government of the Islamic Republic of Iran were to solicit the cooperation of the competent organs of the United Nations and humanitarian organizations in sending observers to the trials and if it were to send photocopies of the records of the judicial proceedings to the competent organs of the United Nations. The observers would note in particular whether the trials were held in a public forum rather than inside a prison, and whether the accused benefited from all the guarantees of due process of law, including the right to be notified in writing of the charges against them; to have the assistance of a professional attorney of their choice, given sufficient time to prepare a defence; to present evidence in their favour and to file motions and appeals. It should be borne in mind that inaction is incompatible with applicable international obligations.

111. It should be explained that the international cooperation referred to in the previous paragraph is consistent with the human rights system promoted by the United Nations, since it simply ensures the credibility and objectivity of the acquittal or conviction handed down in the trial in question, particularly in cases that are highly sensitive and have aroused national and international public opinion. Such cooperation emphasizes the presence of reliable witnesses qualified to testify that the applicable international regulations have been complied with, and it will be still better if photocopies of the documents relating to criminal cases can also be sent.

112. International cooperation is already common in connection with the election of political representatives. Similar grounds can be found, mutatis mutandis, with respect to judicial cases which give rise to accusations and counter accusations, controversy in the media, public discussion of the evidence for guilt or innocence and other circumstances making for politicization, and consequently for an increased risk that the persons on trial may be judged in ways that are not strictly and objectively legal. This type of cooperation is compatible with State sovereignty, provided that the Governments in question give their express or tacit consent.

113. In view of the above observations, the Special Representative considers that continued international scrutiny of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly.

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